



# Interests Policy

## Table of Contents

<b>1. Purpose, Scope and Responsibilities</b>	<b>2</b>
1.1 Policy Purpose	2
1.2 Policy Application and Scope	2
1.3 Responsibilities	3
<b>2. Policy Statement(s) and Strategy</b>	<b>4</b>
2.1 Compliance with the Standards for Integrity and Conduct	4
2.2 Principles for Council members	4
2.3 Principles for staff	4
2.4 Principles for contractors, consultants and suppliers	5
2.5 Principles for joint ventures, partnerships and companies	5
2.6 Principles relating to gifts, koha, and hospitality	6
2.6.1 Koha	6
<b>3. Procedures</b>	<b>7</b>
3.1 Managing identified conflicts of interests	7
3.2 Managing interests workflow	8
3.3 Managing gifts workflow	8
<b>4. Appendices</b>	<b>9</b>
4.1 Definitions	9
4.2 Appendix 1 Understanding Conflicts of Interests	10
4.2.1 Why Unitec needs to manage conflicts of interest	10
4.2.2 What constitutes an 'interest'	10
4.3 When do conflicts of interest arise	10
4.4 Appendix 2 Understanding Probity	12
4.4.1 How does Unitec endeavour to act with probity	12
4.4.2 The importance of probity	12
4.4.3 Probity, disclosure of information and conflicts of interest	12
<b>5. Reference Documents</b>	<b>13</b>
5.1 Compliance with legislation	13
5.2 Compliance with international agreements	13
5.3 Compliance with Unitec policies	14
<b>6. Document Management and Control Details</b>	<b>15</b>
6.1 Document Details	15
6.2 Amendment History	15

## **1. Purpose, Scope and Responsibilities**

### **1.1 Policy Purpose**

The purpose of this policy, which is available as public information on Unitec's website, is to:

- Outline Unitec's requirements for staff, and other persons or companies, who are involved in decision-making on behalf of Unitec to conduct Unitec business in a spirit of integrity, honesty, impartiality and openness. It is mandatory that staff are familiar with Unitec's Code of Conduct and the principles of Te Noho Kotahitanga.
  - Ensure that those who are involved in decision-making on behalf of Unitec undertake that work in good faith and in a trustworthy manner to ensure compliance with legislation and avoid actual and perceived conflicts of interest wherever possible
  - Ensure staff and others involved in decision-making understand and comply with their obligations related to their interests and the giving and receiving of gifts so that Unitec meets the probity and ethical standards required by public entities
  - Ensure the public interest is an overriding objective in the management of conflicts of interest
  - Provide clear guidelines for managing predictable and simple instances of conflicts of interest and a system for managing more complex situations where actual, potential or perceived conflicts of interest may occur
- 

### **1.2 Policy Application and Scope**

This policy (and its associated procedures) apply to all staff and other persons or companies acting on behalf of Unitec involved in influencing or making significant decisions including:

- Unitec's Commissioner and Advisory Committee
- Unitec Council and other non-executive advisors
- Executive Leadership Team
- Managers
- Staff
- Contractors (including contracts for service)
- Consultants

### 1.3 Responsibilities

Role	Responsibilities
Unitec Commissioner / Council and Executive Leadership Team	<ul style="list-style-type: none"> <li>• Approves Conflict of Interest policy</li> <li>• Declares interests before appointment to Unitec and, once appointed, ensures that any new interests are registered and declared on an ongoing basis</li> <li>• Ensures interests are a standing item on all Committee and Council agendas</li> <li>• Ensures that any interests with agenda items at any formal meeting are declared and managed</li> </ul>
Executive Director - Finance	<ul style="list-style-type: none"> <li>• Document Sponsor</li> <li>• Approves Conflict of Interest procedure document</li> </ul>
Council Secretary	<ul style="list-style-type: none"> <li>• Ensures interests are a standing item on all Council and Committee agendas</li> <li>• Ensures that any interests with agenda items at any formal meeting are declared and managed</li> <li>• Provides advice</li> <li>• Ensures Governance members interests register and gifts register is maintained</li> <li>• Annually seeks interests updates from all Tier 1, 2 and 3 staff</li> <li>• Annually seeks 3rd party relationship information where required</li> </ul>
Director HR Operations	<ul style="list-style-type: none"> <li>• Ensures relevant registers and interests are managed in the parameters set in this policy</li> <li>• Reports to the Executive Director – Finance and/or, as appropriate, the Chief Executive on compliance with Unitec's Interest Policy and Guidelines</li> <li>• Identifies staff training needs</li> <li>• Provides advice</li> <li>• Ensures relevant registers are updated annually</li> <li>• Organises training</li> </ul>
Procurement Officer	<ul style="list-style-type: none"> <li>• Ensures compliance with this policy relevant to procurement activities</li> <li>• Approves Conflict of Interest policy templates</li> <li>• Policy, procedure and template owner</li> <li>• Advises all contractors of this policy to ensure compliance</li> </ul>
Managers	<ul style="list-style-type: none"> <li>• Ensure all staff are aware of this policy and its requirements</li> <li>• Support staff in managing any conflicts of interest and report how the situation is being managed to relevant personnel</li> <li>• Identify staff training needs relevant to this policy</li> </ul>
Unitec staff	<ul style="list-style-type: none"> <li>• Advise, on joining Unitec, of any potential, perceived or actual conflicts of interest</li> <li>• Update annually in the relevant registers if there is a change in position or circumstances</li> <li>• Ensure understanding of this policy and their responsibilities.</li> </ul>
Unitec staff involved in decision-making and influencing decisions	<ul style="list-style-type: none"> <li>• Complete the Register of Interests and ensure information is current</li> <li>• Declare gifts, given or received and complete the Gifts Register</li> <li>• Declare any potential, actual or perceived interests and sign Interests Declaration forms as required</li> </ul>
Contractors, consultants and suppliers	<ul style="list-style-type: none"> <li>• Read and understand policy</li> <li>• Declare any interests related to their engagement.</li> </ul>

## **2. Policy Statement(s) and Strategy**

### **2.1 Compliance with the Standards for Integrity and Conduct**

- a. Unitec follows the Standards for Integrity and Conduct as outlined by the State Services Commission governing offers of gifts or gratuities
  - b. Unitec staff must:
    - Never misuse their position for personal gain
    - Avoid any activities, work or non-work, that may harm the reputation of Unitec or of State Services
    - Never solicit, give to or accept from a colleague or a supplier any gift, reward or benefit which could, or could be perceived, to show a favourable or unfavourable bias
  - c. Staff and others involved in decision-making at Unitec must declare in writing:
    - Any material interest relevant to Unitec's activities
    - Any gifts, Koha, or hospitality, given or received in the context of Unitec-related activities, valued at more than \$200 per calendar year from a single external organisation who provides services to Unitec
    - Any conflict of interest that arises relevant to a private interest, a pecuniary or non-pecuniary interest or conflicting duties
  - d. All actual, potential or perceived conflicts of interest must be managed appropriately by the staff member's Line Manager, Head of School, Director, or Project Manager
  - e. The Register of Interest and Register of Gifts must be updated at least annually in relation to the Commissioner, the Advisory Committee, Members of the Council, Executive Leadership Team, Council Committee Members and Procurement Service.
  - f. Staff and others involved in decision-making on behalf of Unitec will receive adequate training on interests and conflicts of interest related to their role. Appendix 1: Understanding Conflicts of Interest provides information for this purpose.
- 

### **2.2 Principles for Commissioner or Council Members**

The Commissioner and the Advisory Committee or the Council and Committee Chairs (as applicable) must:

- Include a standing item on their respective meeting agendas for the disclosure of any interest (private, pecuniary, non-pecuniary or conflicting duties) relating to the item/s to be discussed or decided
- Ensure during induction, new Council and Committee members receive adequate information on identifying, reporting and managing actual, potential or perceived conflicts of interest which may arise through their private interests, pecuniary or non-pecuniary interests, or through conflicting duties

The Commissioner and the Advisory Committee or the Council and Committee Chairs (as applicable) must:

- Advise the relevant Chair immediately of any circumstance, and actual, potential or perceived conflicts of interest that may prevent that person from performing their role fairly, impartially and in Unitec's best interest
- Request that they do not receive papers related to any matter in which they have an interest
- Not be present during the discussion or decision relating to any matter in which they have a potential, perceived or actual conflict of interest
- Ensure their declaration in the following registers are maintained:
  - Register of Interests
  - Register of Gifts

## 2.3 Principles for staff

Unless authorised in writing, Unitec staff must not:

- Be involved in a decision to appoint a relative
- Conduct business on behalf of Unitec with a relative's company
- Own shares in, or be working for any organisation, that has dealings with, or that is in competition, with Unitec
- Influence or make decisions to award grants or contracts, where the staff member is connected to a person or organisation that submitted the application or tender
- Be present during the discussion of, or decision relating to, any matter in which they have an interest, or declared conflict of interest without written approval from a senior manager

Unitec staff must:

- Arrange their personal affairs as far as reasonably possible to prevent conflicts of interest arising
- Must declare in writing interests, gifts connected to Unitec activities valued at more than \$200 per calendar year from the same source, and actual, potential or perceived conflicts of interest
- Declare any actual, potential or perceived conflict of interest which may arise through a private interest, pecuniary or non-pecuniary interest, or through conflicting duties
- Disclose in writing (Outside Work or Activity Disclosure and Approval Form) to their Head of School or Line Manager any interest related to any consulting work they undertake
- If involved in procurement, ensure they provide updates for the Interests Register at least annually in addition to completing a Conflict of Interest and Confidentiality declaration for each procurement project they are associated with

---

## 2.4 Principles for Contractors, consultants and suppliers

Contractors, consultants and suppliers must:

- Declare any interest(s) or conflict of interest as indicated in any Request for Expressions or Registration of interest, Request for Quotes, Request for Proposals or Request for Tenders they are involved with that are issued by Unitec
- At the time of their engagement with Unitec, disclose any actual, potential or perceived conflict of interest related to the engagement, whether it arises through a private interest, a pecuniary or non-pecuniary interest, or through conflicting duties

**Note:** Unitec may insert an appropriate clause in a formal agreement to manage the disclosed situation, or may reserve the right to terminate agreements or contracts which are compromised by a conflict of interest.

---

## 2.5 Principles for joint ventures, partnerships and companies

Unitec must:

- Prior to becoming involved with a joint venture, partnership or company, ensure the policies and procedures of the counterparty which relate to interests comply with Unitec's policies
- Ensure Unitec appointments to a governance board of a joint venture, partnership or company do not pose a potential, perceived or actual conflict of interest
- Be fully conversant with best practice interests, management and their responsibilities as a director.

## **2.6 Principles relating to gifts, koha, and hospitality**

To preserve fairness and impartiality, staff must not solicit or accept gifts, rewards or benefits, including hospitality, which could:

- Influence decision-making in relation to Unitec activities
- Be perceived to be an inducement or which could put the staff member under an obligation
- Where an offer of a gift or inducement is made, the staff member must report it to their Head of School or Manager
- Where a gift is accepted, the staff member must report it to their Head of School or Manager
- Gifts or hospitality (e.g. meals or accommodation) valued at more than \$NZ200 per calendar year from the one source must be recorded in the Gifts Register
- Heads of School and Managers determine the appropriate response to the offer and /or acceptance of gifts, based on probity and management of interests as outlined in Unitec's Conflict of Interest Procedures.

---

### **2.6.1 Koha**

The giving of koha is an unconditional gift and the recipient is not obliged to provide goods or services in exchange.

Unitec will provide a contribution towards koha where staff attend a Maori cultural gathering representing Unitec, or to acknowledge:

- A non-profit community group attending a conference opening
- A non-profit community group/person supporting a mihi whakatau (welcome) or poroporoaki (closing) of a hui
- Prominent guests, welcomed by mana whenua at Unitec's request

### **3. Procedures**

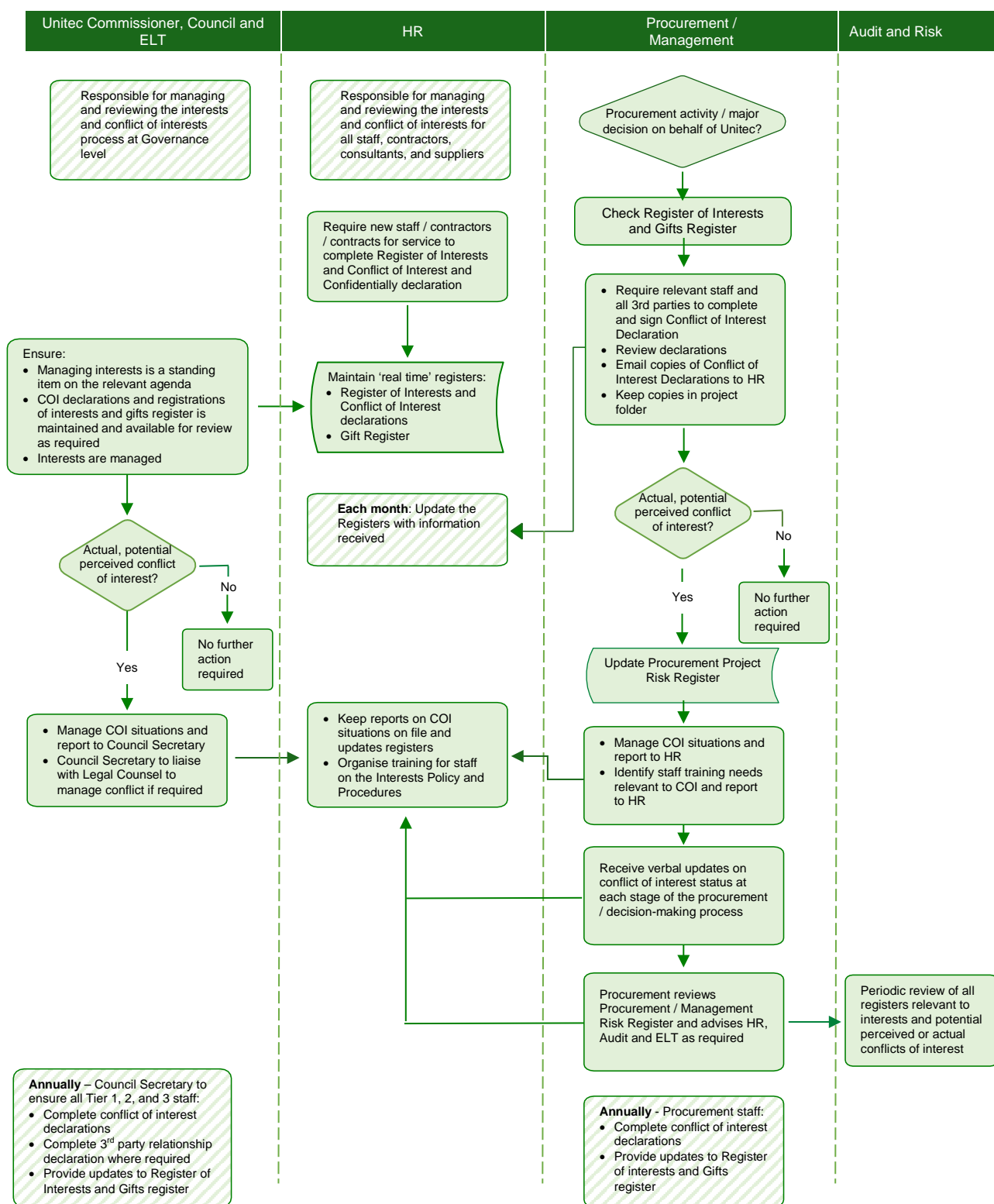
#### **3.1 Managing Identified Conflict of Interests**

Conflicts that are identified must be reported to the manager in charge of the activity. The process for managing the risk related to each activity must be recorded in writing.

The steps that may be taken when managing a conflict of interest include:

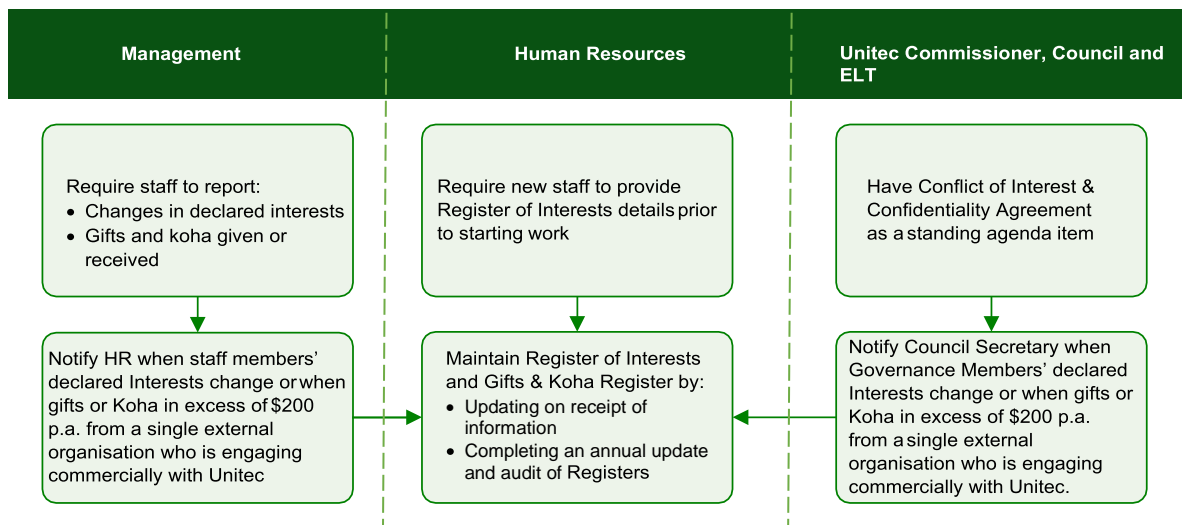
- restricting: imposing restrictions on the person's further involvement in the matter
- recruiting: engaging an independent third party to oversee all or part of the process and verify its integrity
- removing: where the person chooses, or is asked, to be removed completely from the matter
- relinquishing: where the person relinquishes the private interest that created the conflict
- resigning: where the person resigns from their position (This should only be considered if the conflict of interest can't be resolved in any other workable way.)

## 3.2 Managing Identified Conflict of Interests Workflow





### 3.3 Managing gifts workflow



## 4. Appendices

### 4.1 Definitions

Term	Definition
Bias	This is common legal description of some types of conflict of interest, especially those situations that involve predetermination. In this guidance, we use the term “conflict of interest” to include situations that may be labelled as bias or predetermination.
Code of Conduct	Outlines the standards of behaviour expected to be followed in staff members professional practice having regard for the principles of Te Noho Kotahitanga
Conflict of interest	This is where an employee's or official's duties or responsibilities to Unitec could be affected by some other interest or duty that the employee or official may have. The interest could be financial, professional or personal and involve a “conflict of duty” or “conflict of role”, but for the purposes of this policy Unitec uses the term “conflict of interest” to cover these situations. We also use the term to cover circumstances that include or appear to include “bias” or “predetermination.”
Gift	A gift is something given to a person willingly and without payment. Gifts given or received in relation to undertaking Unitec business must be declared in compliance with Unitec's Conflict of Interests Policy and Procedures.
Interest in a matter	This refers to a direct or indirect connection to another matter which is separate from but related to the matter in hand.
Hospitality	In the context of this policy, hospitality infers the expense involved in being generous and friendly when hosting guests or being hosted. The expense can relate to a variety of expenditure, including food, beverages, accommodation and entertainment. Hospitality whether given or received must be declared in compliance with Unitec's Conflict of Interests Policy and Procedures.
Koha	A koha is a present, offering, donation, contribution and when given or received as such must be declared in compliance with Unitec's Conflict of Interests Policy and Procedures.
Material interest	This is where affiliates or their directors, officers, employees, agents or representatives may have or have had an interest or holding, relationship or other arrangement which could result in, or give the appearance of potential bias.
Member or official	Refers to any person who works for Unitec. They could be a statutory office holder, Minister, elected board member, appointed board member, or employee. For the purposes of this policy we also regard someone who is a contractor or consultant to Unitec as an official.
Non-pecuniary interest	This is where there is the potential or perceived potential for a benefit, that is not a financial gain. It could be a professional gain, or could involve close personal relationships.
Official role	Refers to the duties or responsibilities a member or official has to Unitec.
Other interest	This refers to a staff member's or official's separate interest or duty which comes into conflict with their official role. Usually, the “other interest” will be personal or private in nature, but sometimes it could relate to a duty as well. The other interest might also actually belong to someone else connected to the staff member or official.
Pecuniary interest	This refers to a potential actual or perceived financial gain.
Probity	Uprightness, honesty, proper and ethical conduct.
RFx	This refers to a request issued by Unitec such a Request for Information, Request for Proposal or Request for Tender.

## **4.2 Appendix 1 Understanding Conflicts of Interests**

### **4.2.1 Why Unitec needs to manage conflicts of interest**

- a. Unitec ensures its employees, or person/company acting on behalf of Unitec, conduct their duties in the best interests of Unitec, and not in their own personal interests, or the interests of their partner, business partner, family or acquaintances.
- b. Unitec, as a public entity, also needs to demonstrate that it acts fairly, ethically and with probity. This is why Unitec ensures actual, potential or perceived conflicts of interest are declared and managed properly.
- c. It is of particular importance that people influencing or making significant decisions on behalf of Unitec do so impartially and with integrity.

---

### **4.2.2 What constitutes an 'interest'**

- a. An interest can be:
  - Actual, where a person may gain an advantage or avoid a loss
  - Potential, where a person may gain a benefit, or avoid loss in the future
  - Perceived, where a reasonable, disinterested person thinks there is a conflict of interest.

**Note:** A conflict of interest can be positive or negative as it could advantage or disadvantage someone.

---

## **4.3 When do conflicts of interest arise**

A conflict of interest arises when an employee's or official's duties or responsibilities to Unitec could be affected by (or a reasonable, disinterested person could perceive them to be affected by) some other interest or duty that the employee or official may have. Conflicts of interest arise through:

- a. Private interest
  - A conflict of interest arising from a 'private interest' is one where a financial, personal or nepotistic relationship with another employee, a supplier, a competitor, or anyone else who does work for or on behalf of Unitec could conceivably conflict, or appear to conflict, with a person's role at Unitec.
  - A conflict of interest may also include a situation where a person or members of that person's family receive improper personal benefits because of their role at Unitec.
- b. Pecuniary or non-pecuniary interest
  - A conflict of interest arising from a 'pecuniary interest' is one where an employee or official acting on behalf of Unitec, or one of their associates, could make an actual or potential financial gain or loss, directly or indirectly. Money does not need to change hands. For example, the financial benefit or loss could be a change in the value of a property, belonging to the employee or a close family member.
  - A conflict of interest arising from a 'non-pecuniary interest' is one where money is not involved but where the employee may tend towards favour or prejudice because of a friendship, animosity or other personal involvement with another person or group.

c. Conflicting duties

A conflict of interest arising from 'conflicting duties' is one where:

- A person's role at Unitec may conflict with a private role the person has, or that of their partner, business partner, family or acquaintance has, or
- Where a person has more than one role at Unitec, and there is an interest relevant to the various roles.

**Note:** The risk is that the person may properly acquire confidential information in one role, but be at risk of using that information improperly in another role, whether internal or external to Unitec.

## **4.4 Appendix 2 Understanding Probity**

### **4.4.1 How does Unitec endeavour to act with probity**

- a. Unitec endeavours to act with probity in all aspects of its operations. Ensuring it does so is particularly important and relevant to procurement, recruitment, staff management and outside work processes.
  - b. In order to embed fair and ethical conduct in its procurement practices, Unitec:
    - Uses a competitive and transparent procurement process
    - Identifies and manages risk associated with potential, perceived and actual conflicts of interest
    - Acts, and makes decisions, fairly and impartially during all stages of the procurement process
    - Maintains security and confidentiality
- 

### **4.4.2 The importance of probity**

- a. Unitec's procurement processes are designed to achieve good value for money, while maintaining high standards of integrity. Maintaining demonstrably fair and ethical standards of conduct (which includes complying with Unitec policies) means that Unitec:
    - Is accountable
    - Encourages commercial competition as all potential suppliers receive the same information and are assessed against the same criteria
    - Maintains supplier confidentiality and confidence
    - Maintains good relationships with suppliers and potential suppliers
    - Is able to defend its decisions in the event of any legal challenge
- 

### **4.4.3 Probity, disclosure of information and conflicts of interest**

- a. Acting with probity includes:
  - Declaring interests (pecuniary or non-pecuniary) as these could be a potential source for a potential, perceived or actual conflict of interest
  - Declaring gifts and / or hospitality, given or received (see The Sensitive Expenditure Policy)
  - Signing Conflict of Interest and Confidentiality declarations
  - Maintaining confidentiality (i.e. not disclosing information to other parties) and respecting the sensitivity of information provided by supplier.

When there are conflicts of interest (identified via the signed Conflict of Interest and Confidentiality declarations, the Register of Interest, or Register of Gifts) Unitec can manage and monitor the situation effectively and ethically.

Conflict of Interest situations which are not managed appropriately or failure to maintain confidentiality can be seen as misconduct, abuse of office or even corruption.

## **5. Reference Documents**

### **5.1 Compliance with legislation**

This policy takes into account the following legislation:

- The Education Act 1989
- Commerce Act 1986
- Consumer Guarantees Act 1993
- Contract and Commercial Law Act 2017
- Dumping and Countervailing Duties Act 1988
- Fair Trading Act 1986
- Health and Safety at Work Act 2015
- Human Right Act 1993
- Limitations Act 2010
- Official Information Act 1982
- Privacy Act 1993
- Public Finance Act 1989 and the Financial Reporting Act 2013
- Ombudsman Act 1975
- Public Audit Act 2001
- Public Records Act 2005
- State Sector Act 1988.

---

### **5.2 Compliance with international agreements**

This policy takes into account New Zealand's trade policy interests in open and transparent government procurement markets. (Refer to the Ministry of Business Innovation and Employment.) and compliance with government policies and guidelines including:

- Managing Conflicts of interest: Guidance for Public Entities (Controller and Auditor-General) (Office of the Auditor-General website)
- Controlling sensitive expenditure: Guidelines for public entities (Controller and Auditor General, February 2007)
- Guide for Procurement guidance for public entities (OAG document, June 2008)
- Mastering Procurement – A structured approach to Strategic procurement (Ministry of Economic Development – March 2011)
- Government Rules of Sourcing (Ministry of Business Innovation and Employment – endorsed by Cabinet - March 2013)
- Mandatory Rules For Procurement By Departments (Endorsed by Cabinet 18/04/06)
- Principles of Best Practice: Construction Procurement in New Zealand (NZ Construction Industry Council document, January 2006)
- Guidelines for Managing and Monitoring Major IT Projects (State Services Commission and Treasury document, 2001).

### **5.3 Compliance with Unitec policies**

Unitec personnel are expected to perform their role in accordance with Unitec's policies as well as with standards of behaviour specified and/or implied by the following:

- Code of Conduct
- Conflict of Interest Procedures
- Delegated Financial Authority Policy
- Delegations Policy and Procedures
- Procurement Policy and Procedures
- Sensitive Expenditure Policy
- Health and Safety Policy
- Koha Procedures
- Privacy Policy
- Sustainable Procurement Guideline
- Travel Policy

## 6. Document Management and Control Details

### 6.1 Document Details

<b>Version:</b>	2.1	<b>Issue Date this Version:</b>	June 2019
<b>This Version Approved by:</b>	Unitec Council	<b>Date of Approval:</b>	25 June 2019
<b>Document Owner:</b>	Director – Financial Planning and Performance	<b>Document Sponsor:</b>	Executive Director - Finance
<b>Date of Next Review:</b>	December 2021		
<b>Date first version issued:</b>	October 2015	<b>Original Approval Body:</b>	Unitec Council

### 6.2 Amendment History

Version	Issue Date	Reason for Revision	Approved by
1	14/10/2015	Change template and respond to review comments	
	15/12/2015	Title changed	
	02/04/2016	Final	Unitec Council
2	January 2019	Reviewed to update legislation references and minor amendments to ensure the references to internal positions are current	Commissioner
2.1	June 2019	Updated to include actual steps taken to manage the conflict of interest 3.1	Commissioner